

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

MARCELLA KIST, individually and on behalf of  
all others similarly situated,

*Plaintiff,*

v.

SEMPRIS, LLC a Delaware limited liability  
company, and DIGITAL RIVER, INC., a  
Delaware corporation,

*Defendants.*

Case No. 1:13-cv-10262-JLT

**Hon. Joseph L. Tauro**

**STIPULATION REGARDING EXTENSION OF TIME TO RESPOND  
TO DEFENDANTS' MOTIONS TO DISMISS THE AMENDED COMPLAINT**

Plaintiff Marcella Kist respectfully submits, by mutual agreement of Defendants Sempris, LLC and Digital River, Inc., the instant Stipulation to extend the time for Plaintiff to respond to Defendants' Motions to Dismiss Plaintiff's Amended Complaint in this action. The Parties hereby stipulate as follows:

1. Plaintiff filed her original Class Action Complaint on February 11, 2013. (Dkt. 1.) The Court thereafter granted Sempris an extension of time to respond to the Complaint, allowing Sempris until April 4, 2013 to respond. (Dkts. 11, 12.)

2. On April 3, 2013, after Plaintiff notified Defendants of her intent to file an amended complaint, the Parties filed a stipulation to extend the time for Sempris to answer or otherwise respond to the pleadings. (Dkt. 26.) The stipulation, which was approved by the Court on April 16, 2013, granted Plaintiff until April 17, 2013 to file her amended complaint and allowed Sempris 28 days after the filing to answer. (Dkts. 26, 31.) Digital River separately moved for an extension of time to respond, which was granted by the Court on April 9, 2013. (Dkts. 27, 28.)

3. Plaintiff filed her Amended Complaint on April 17, 2013. (Dkt. 33.) Defendants thereafter filed separate Motions to Dismiss the Amended Complaint on May 15, 2013. (Dkts. 35, 39.) Sempris additionally filed its Answer to the Amended Complaint. (Dkt. 38.) Under Local Rule 7.1, Plaintiff has 14 days, or until May 29, 2013, to file her opposition.

4. Lead Counsel for Plaintiff has emergency surgery scheduled for the week of May 20, 2013 and has notified Defendants of such.

5. Accordingly, the Parties have agreed that Plaintiff shall have 28 days, or until June 12, 2013, to file her response to Defendants' Motions to Dismiss.

6. This is the first request for an extension of time filed by Plaintiff.

WHEREFORE, Plaintiff Marcella Kist respectfully requests that this Court adjourn Plaintiff's current deadline of May 29, 2013 to respond to Defendants' Motions to Dismiss and allow her 28 days, or until June 12, 2013, to file her response.

Respectfully submitted,

Dated: May 20, 2013

**MARCELLA KIST**, individually and on behalf of all  
others similarly situated,

By: /s/ Alicia E. Hwang  
One of Plaintiff's Attorneys

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**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed through the CM/ECF system and served electronically to all counsel of record on May 20, 2013.

/s/ Alicia E. Hwang  
Alicia E. Hwang